

WEDNESDAY, FEBRUARY 23, 1994

SIXTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Eric Boyer, Associate Minister, Memorial Baptist Church, Bogalusa, LA.

Representative Boyer led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Cole (Dyer); business commitment.

PRESENT IN CHAMBER

Representative(s) Pruitt was/were recorded as being present in the Chamber.

MESSAGE FROM THE GOVERNOR

February 18, 1994

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2125, with his approval.

DIANNE F. NEAL, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

February 18, 1994

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2126, 2133, 2209, 2243 and 2279; also, House Joint Resolution(s) No(s). 211, 405, 406, 408, 410, 411, 414, 417, 418, 419, 420, 421, 425, 426, 430, 422, 436, 437, 443 and 444; with his approval.

DIANNE F. NEAL, Counsel to the Governor.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 0455** -- General Assembly, Studies -- Creates special joint committee to study the response of public utilities and public works departments during emergencies. by *West, *Garrett, *Miller, *Mires, *Halteman Harwell, *Stamps, *Arriola, *Clark, *Robinson, *Pruitt, *Jackson.

State and Local Government Committee.

House Joint Resolution No. 0458 -- General Assembly, Directed Studies -- Requests Council on Pensions and Insurance to study issue of requiring spousal consent upon election of retirement allowance options under TCRS. by *Chumney, *Johnson, *West, *Kernell, *Crain, *Odom, *Givens, *Robinson, *Purcell, *Tindell, *Davidson, *Arriola, *Coffey, *Turner L, *Fowlkes, *Bell, *Pinion, *Collier, *Owenby, *Brown, *Stockburger, *McDaniel.

State and Local Government Committee.

House Joint Resolution No. 0461 -- General Assembly, Studies -- Creates special joint committee to review state's petroleum underground storage tank regulatory program and examine alternative funding mechanisms. by *Bragg.

Conservation and Environment Committee.

House Joint Resolution No. 0462 -- Naming and Designating -- Designates March 7-11 as School Breakfast Week. by *Kisber.

State and Local Government Committee.

WEDNESDAY, FEBRUARY 23, 1994 -- SIXTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 0463 -- Naming and Designating -- School Lunch Week, October 10-14, 1994. by *Kisber.

State and Local Government Committee.

House Joint Resolution No. 0466 -- Memorials, Government Officials -- Urges U.S. Secretary of Housing and Urban Development and Community Enterprise Board to act favorably upon the City of Knoxville's applications for "empowerment zone" and "enterprise community" designations. by *Armstrong, *Severance, *Boyer, *Tindell, *Ritchie, *Peroulas Draper, *Bittle.

State and Local Government Committee.

House Joint Resolution No. 0468 -- Naming and Designating -- Designates Winchester's Bar-B-Que Cookoff as the official state Bar-B-Que Championship Competition. by *Rigsby, *Hargrove.

State and Local Government Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, February 24, 1994:

House Resolution No. 0135 -- Memorials, Heroism -- Lamont Snipes. by *Lewis.

House Joint Resolution No. 0459 -- Memorials, Public Service -- J.C. Smith, Public Service. by *Ferguson.

House Joint Resolution No. 0460 -- Memorials, Personal Occasion -- Robert Wayne and Mary Dean Chandler, golden wedding anniversary. by *Walley.

House Joint Resolution No. 0464 -- Memorials, Sports -- Sterling Marlin, Daytona 500. by *Moore, *Napier.

House Joint Resolution No. 0465 -- Memorials, Recognition and Thanks -- Dr. Cavit C. Cheshier. by *Odom.

House Joint Resolution No. 0469 -- Memorials, Recognition and Thanks -- LaFrona Jane Hill Gross. by *Cross, *Williams Micheal.

House Joint Resolution No. 0470 -- Memorials, Death -- J. B. Howe. by *Givens.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 0325 -- Naming and Designating --**
Police Memorial Week, May 15-21, 1994.

State and Local Government Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2853 -- Fayette County -- Provides transition provision for school board to comply with general law requiring staggered four year terms for boards of education. Amends TCA, Title , Ch. 98. by *Naifeh, *Walley.

House Bill No. 2854 -- Benton County -- Enacts hotel/motel tax. by *Ridgeway.

House Bill No. 2855 -- Putnam County -- Establishes Part II of the General Sessions Court. by *Hargrove.

House Bill No. 2856 -- Springfield -- Revises city charter. Amends Chapter 1 of the Private Acts of 1989. by (No Sponsors in Data Base)

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were Held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1772 -- State Symbols --** Designates monarch as official state butterfly. Amends TCA, Title 4, Ch. 1, Pt. 3. (HB 2187).

***Senate Bill No. 1774 -- Taxes, Real Property --** Requires state to pay penalty and interest in property tax appeal matters in certain circumstances. Amends TCA 67-5-1512. (HB 2356).

***Senate Bill No. 1797 -- Jails, Local Lock-ups --** Authorizes sheriffs to grant furloughs to misdemeanor inmates. Amends TCA, Title 41, Ch. 4, Pt. 1. (HB 1798).

***Senate Bill No. 1802 -- Taxes, Real Property --** Permits trustee to accept partial payment of property taxes. Amends TCA 67-5-1801. (HB 1805).

***Senate Bill No. 1871 -- Election Laws --** Includes all municipalities in Davidson County under definition of "newspaper of general circulation" for publishing election notices. Amends TCA 2-1-117. (HB 2224).

***Senate Bill No. 1880 -- Municipal Government --** Authorizes

compensation for members of municipal planning commissions. Amends TCA 13-4-101. (HB 2004).

***Senate Bill No. 1934 -- Taxes, Real Property --** Directs cities that pay one half of sharable and nonsharable local costs of reappraisal to pay cost directly to county having jurisdiction over property in fiscal year reappraisal is finalized. Amends TCA 67-5-1601. (HB 2582).

***Senate Bill No. 2072 -- Public Defenders --** Creates one additional criminal investigator position and one reader for visually impaired attorney position for 11th judicial district. Amends TCA 8-14-202. (HB 2465).

***Senate Bill No. 2190 -- Public Records --** Allows Bradley County to charge fee for copies of public records that have commercial value. Amends TCA 10-7-506. (HB 2453).

***Senate Bill No. 2403 -- Municipal Government --** Authorizes municipal government to invest idle funds in banker acceptances and commercial paper. Amends TCA, Title 6, Ch. 56. (HB 2029).

Senate Bill No. 2452 -- Purchasing -- Authorizes municipalities to purchase supplies and equipment at public auctions without public advertisement and competitive bidding. Amends TCA, Title 12, Ch. 3, Pt. 10. (*HB 2123).

***Senate Bill No. 2488 -- Penal and Reformatory Institutions --** Authorizes superintendents of correctional facilities to inform guards and other employees relative to inmates who are infected with contagious and infectious diseases, including HIV virus and hepatitis B. Amends TCA, Title 41. (HB 2522).

***Senate Bill No. 2489 -- Budget Procedures --** Revises procedure to amend county budget in counties which have adopted Local Option Budgeting Law of 1993. Amends TCA, Title 5, Ch. 12, Pt. 2. (HB 2428).

***Senate Bill No. 2542 -- Television, Cable --** Permits members of local governing body from Blount County, Alcoa and Maryville to serve as members of cable television authority established by intergovernmental agreement. (HB 2665).

***Senate Bill No. 2585 -- Criminal Procedure --** Empowers county legislative bodies to designate either county executives or community corrections advisory boards to employ, supervise and terminate employees in community corrections advisory programs. Amends TCA, Title 40, Ch. 36. (HB 2499).

***Senate Bill No. 2634 -- Utilities, Utility Districts --** Authorizes health insurance coverage for members of the board of directors of municipal electric plants. Amends TCA 7-52-110. (HB 2678).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or Held on the Clerk's desk as noted:

House Bill No. 2843 -- Rutherford -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2845 -- McKenzie -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2846 -- Van Buren County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2847 -- Montgomery County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2851 -- Brownsville -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2852 -- McKenzie -- Held on Clerk's desk pending approval by local delegation.

REPORTS FROM STANDING COMMITTEES

The committees that met on Tuesday, February 22, 1994, reported the following:

REPORT OF COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Thursday, February 24, 1994: House Bill(s) 2103, 2189, 1827, 2270, 2274, 1687, 2005, 1623, 2017 and 1798.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, February 28, 1994: House Bill(s) No(s). 2358, 2238, 2230, 2337, 2178, 2120, 2564, 1773, 2122 and 1713.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 2318, 2317 and 2081; also House Bill No. 1737 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2488. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 427 and 2241 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1112, 1942, 1947, 1955, 1956, 1962, 2190, 2192 and 2197; also, House Bill(s) No(s). 1959 and 1973 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2302, 2004, 2512, 1927, 1929, 1930, 2366, 2236, 2534, 2536, 2742 and 1826; for adoption: House Joint Resolution(s) No(s). 373; also, House Bill(s) No(s). 2123, 2383 and 2187 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1931 and 2124; also, House Bill(s) No(s). 1805 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2365, 2367 and 2707. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2364 and 2803 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on Wednesday, February 23, 1994, reported the following:

REPORT OF COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Monday, February 28, 1994: House Bill(s) No(s). 1939, 1950, 1986, 1987, 2211, 2620, 1868, 1916, 2009, 2283, 2284, 1897 and 2036.

The Committee set the following bills on the **Regular Calendar** for Wednesday, March 2, 1994: House Bill(s) No(s). 1206.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for Monday, February 28, 1994: House Bill(s) No(s). 1946, 1979, 1981 and 2191.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 2669, 2055, 2824 and 1757; also, House Bill(s) No(s). 2057 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2172. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2531, 2530, 2493, 2460 and 2156; also, House Bill(s) No(s). 2354 and 2532 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2086 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 2139.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2830, 2094, 2747, 2749, 2362, 2322, 2321, 2077 and 2070; for adoption: House Resolution No. 119; also, House Bill(s) No(s). 1898, 1807, 2259, 2414, 2247 and 2082 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 843 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 854.

CONSENT CALENDAR

House Bill No. 2646 -- Weakley County -- Staggers terms of four years for board of education. Amends Chapter 224, Private Acts of 1933, as amended.

House Bill No. 2663 -- Maryville -- Authorizes council and mayor to elect or appoint councilmen to hold public office as members of certain entities. Amends Chapter 27, Private Acts of 1967, as amended.

House Bill No. 2664 -- Intergovernmental Relations -- Permits members of local governing body from Blount County, Maryville and Alcoa to serve as members of board established by intergovernmental agreement.

House Bill No. 2665 -- Television, Cable -- Permits members of local governing body from Blount County, Alcoa and Maryville to serve as members of cable television authority established by intergovernmental agreement.

On motion, House Bill No. 2665 was made to conform with **Senate Bill No. 2542**; the Senate Bill was substituted for the House Bill.

House Bill No. 2713 -- McKenzie -- Revises charter relative to elections and office of mayor, councilmen and city judge. Amends Chapter 128, Private Acts of 1990.

House Bill No. 2836 -- Marion County -- Removes provisions relative to issuance of building permits by tax assessor. Repeals Chapter 344, Private Acts of 1967, as amended.

House Bill No. 2837 -- Carter County -- Places board of education under general law requiring elections be staggered four year terms from districts established by county legislative body. Repeals Chapter 105, Private Acts of 1986.

House Bill No. 2838 -- Brighton -- Changes date of election; authorizes board of aldermen to set marshal's salary. Amends Chapter 98, Private Acts of 1977, as amended.

House Bill No. 2839 -- Huntingdon -- Increases minimum requirements for public advertisement and comparative bidding from \$2,500 to \$4,000. Amends Chapter 233, Private Acts of 1974, as amended.

***House Bill No. 1767** -- Motor Vehicles, Titling and Registration -- Authorizes special license plate for Army National Guard retirees. Amends TCA, Title 55, Ch. 4, Pt. 2.

House Bill No. 1735 -- Taxes, Sales -- Clarifies that incinerators used exclusively to incinerate agricultural products are farm equipment and machinery and qualify for sales tax exemption. Amends TCA, Title 67, Ch. 6.

House Bill No. 1941 -- Sunset Laws -- Sports Festival, Inc., board of directors, June 30, 2002. Amends TCA, Title 4, Chs. 29, 40.

House Bill No. 1945 -- Sunset Laws -- Sports Festival, Inc., June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 1.

On motion, House Bill No. 1945 was made to conform with **Senate Bill No. 1835**; the Senate Bill was substituted for the House Bill.

House Bill No. 1966 -- Sunset Laws -- Southern growth policy board, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 13, Ch. 2.

On motion, House Bill No. 1966 was made to conform with **Senate Bill No. 1884**; the Senate Bill was substituted for the House Bill.

House Bill No. 1971 -- Sunset Laws -- Enterprise zone management board, June 30, 1998. Amends TCA, Title 4, Ch. 29; Title 13, Ch. 28.

On motion, House Bill No. 1971 was made to conform with **Senate Bill No. 1905**; the Senate Bill was substituted for the House Bill.

House Bill No. 1980 -- Sunset Laws -- Advisory council, Cordell Hull birthplace, June 30, 2002. Amends TCA, Title 4, Chs. 13, 29.

On motion, House Bill No. 1980 was made to conform with **Senate Bill No. 1919**; the Senate Bill was substituted for the House Bill.

House Bill No. 1982 -- Sunset Laws -- Tennessee soybean promotion board, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 20.

On motion, House Bill No. 1982 was made to conform with **Senate Bill No. 1917**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1712** -- Taxes, Gasoline, Petroleum Products -- Allows commissioner of revenue to enter reciprocal agreements regarding temporary fuel permits for transportation of antique vehicles and antique farm equipment. Amends TCA 67-3-711.

House Bill No. 2016 -- Highway Signs -- "Keith L. Moore Memorial Highway," U.S. Highway 79 from Milan to Humboldt.

On motion, House Bill No. 2016 was made to conform with **Senate Bill No. 2399**; the Senate Bill was substituted for the House Bill.

House Bill No. 1731 -- Highway Signs -- "Julian D. Pierce and Charles E. Waynick Memorial Highway," S.R. 152 between Spring Creek community in Madison County to Medina community in Gibson County.

On motion, House Bill No. 1731 was made to conform with **Senate Bill No. 1724**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1716** -- Municipal Government -- Allows

municipalities to change terms of members of board of mayor and aldermen from staggered two year term to non-staggered two year term. Same as *SB 1691. Amends TCA 6-3-102.

On motion, House Bill No. 1761 was made to conform with **Senate Bill No. 1864**; the Senate Bill was substituted for the House Bill.

House Bill No. 1796 -- New Johnsonville -- Deletes provisions prohibiting city judge from holding other city offices or positions of employment. Amends Chapter 77, Private Acts of 1971, as amended.

***House Bill No. 1710** -- County Officers -- Allows Lincoln County to provide compensation to board of public utilities upon 2/3 vote of county legislative body. Amends TCA 5-16-103.

House Bill No. 2349 -- Insurance Companies, Agents, Brokers -- Allows incorporated underwriters to join in groups of underwriters for the purpose of assuming reinsurance of ceding insurers who may receive credit for reinsurance. Amends TCA 56-2-208.

House Bill No. 1770 -- Utilities, Utility Districts -- Increases from three to five number of commissioners for utility districts located primarily in Franklin County; provides for election of commissioners for such utility districts. Amends TCA, Title 7.

House Resolution No. 0133 -- Memorials, Personal Achievement -- Jason Sholtz, Eagle Scout.

House Joint Resolution No. 0457 -- Memorials, Public Service -- Roy "Sonny" Ferguson.

Senate Joint Resolution No. 0310 -- Memorials, Public Service -- Buddy Chandler, Hickman County's Citizen of the Year.

Senate Joint Resolution No. 0311 -- Memorials, Sports -- 1993 Riverdale High School football team, TSSAA Class 5-A state runner-up.

Senate Joint Resolution No. 0312 -- Memorials, Public Service -- Robert H. Ellis, Trustee of Carter County.

Senate Joint Resolution No. 0315 -- Memorials, Congratulations -- Wilson County Fair, "Champion of Champions" award.

Senate Joint Resolution No. 0323 -- Memorials, Public Service -- Tennessee's employees for service during ice storm.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1767; by Rep. Rigsby.

House Bill No. 1770; by Rep. Rigsby.

House Bill No. 1941; by Rep. Brooks.

House Bill No. 1945; by Rep. Brooks.

Under the rules, House Bill(s) No(s). 1767, 1770, 1941 and 1945 was/were placed at the foot of the calendar for Thursday, February 24, 1994.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1866 -- Banks and Financial Institutions -- Provides that financial institution or its officers or employees are not acting as fiduciary to customers or third parties, except if written agency or trust agreement exists. Amends TCA, Title 45, Ch. 1.

Further consideration of House Bill No. 1866, previously considered on February 14, 1994, at which time it was reset to the Calendar for February 23, 1994.

Rep. Rhinehart moved that House Bill No. 1866 be passed on third and final consideration.

Rep. Whitson moved the previous question, which motion failed by the following vote:

Ayes.	39
Noes.	48
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Bittle, Boyer, Bragg, Callicott, Coffey, Cole (Carter), Crain, Cross, Davidson, Davis, Ferguson, Fisher, Fowlkes, Garrett, Halteman Harwell, Hargrove, Hassell, Head, Hillis, Huskey, Love, McDaniel, Mires, Moore, Napier, Phelan, Phillips, Pinion, Rhinehart, Rigsby, Rinks, Stamps, Stulce, Turner (Shelby), Whitson, Williams (Williamson), Wix -- 39.

Representatives voting no were: Allen, Arriola, Bell, Brooks, Brown, Buck, Chumney, Clark, Collier, DeBerry, Dixon, Duer, Givens, Gunnels, Haley, Haun, Herron, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, McAfee, McKee, Meyer, Miller, Owenby, Peroulas Draper, Ramsey, Ritchie, Robinson, Severance, Shirley, Stockburger, Thompson, Tindell, Turner (Hamilton), Venable, Walley, Westmoreland, Williams (Union), Windle, Winningham, Wood -- 48.

Representatives present and not voting were: Kernell, West -- 2.

Rep. Rhinehart moved that **House Bill No. 1866** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	14
Present and not voting.	5

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Byrd, Callicott, Chiles, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 78.

Representatives voting no were: Allen, Brooks, Brown, Buck, Chumney, Dixon, Haley, Herron, Jones U (Shelby), Phillips, Ramsey, Ritchie, Robinson, Stamps -- 14.

Representatives present and not voting were: Bragg, Clark, West, Williams (Williamson), Mr. Speaker Naifeh -- 5.

A motion to reconsider was tabled.

House Bill No. 1526 -- Workers' Compensation -- Establishes governmental immunity for municipal corporation providing employee in line of duty benefits from personal injury or death by accident. Amends TCA 29-20-106, 50-6-108.

Rep. Love moved that Senate Bill No. 1526 be reset one week to the Calendar for March 2, 1994, which motion prevailed.

House Bill No. 1977 -- Sunset Laws -- Aquaculture advisory board, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 33.

Rep. Kernell moved that House Bill No. 1977 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1977 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-217(a), is amended by adding a new item thereto, as follows:

() Aquaculture advisory board, created by § 43-33-102;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 1977**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle,

Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 2212 -- Sunset Laws -- Dairy promotion committee, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 44, Ch. 19.

Rep. Kernell moved that House Bill No. 2212 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2212 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 29, is amended by adding the following as a new section:

Section _____. (a) The following governmental entities shall terminate on June 30, 2002:

() Tennessee dairy promotion committee, created by § 44-19-114;

(b) Each department, commission, board, agency, or council of state government created during calendar year 2001 shall terminate on June 30, 2002.

(c) Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2212**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 97.

A motion to reconsider was tabled.

***House Bill No. 1039** -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506.

Further consideration of House Bill No. 1039, previously considered on May 18, 1993, at which time it was re-referred to the Calendar and Rules Committee.

On motion, House Bill No. 1039 was made to conform with **Senate Bill No. 1357**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that **Senate Bill No. 1357** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Givens moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 1357 by deleting Section 1 of the bill as amended and substituting instead the following:

Effective July 1, 1994, the district attorney general of the third judicial district is entitled to upgrade one (1) part-time criminal investigator position into one (1) full-time criminal investigator position;

On motion, Amendment No. 2 was adopted.

Rep. Givens requested that Senate Bill No. 1357 be moved down two places on the Calendar.

House Bill No. 0890 -- Probate Law -- Enacts "Tennessee Uniform Statutory Rule Against Perpetuities".

On motion, House Bill No. 890 was made to conform with **Senate Bill No. 1039**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that **Senate Bill No. 1039** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1039 by deleting from Section 4, as amended by Senate Amendment No. 1 the word "may" and substituting instead the word "shall".

AND FURTHER AMEND by deleting Section 6, as amended, and by substituting instead the following:

(a) Except as provided in subsection (b), this act applies to non vested property interests and unexercised powers of appointment regardless of whether they were created before, on, or after July 1, 1994. A property interest shall not be deemed vested merely because it would vest if the common law rule against perpetuities were violated.

(b) This act does not apply to any property interest or power of appointment the validity of which has been determined by a final judgment in a judicial proceeding or by a settlement among interested persons prior to July 1, 1994.

AND FURTHER AMEND by deleting Section 8 and by substituting instead the following:

SECTION 8. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among the states enacting it.

SECTION 9. This act shall take effect July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that **Senate Bill No. 1039**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 1039 and have this statement entered in the Journal: Rep(s). Boyer.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1888** -- Alcoholic Beverages -- Prevents private wine collections from being seized as contraband goods when all or part of collection was obtained outside state, if collection is owned by individuals and housed in private, single family dwellings. Amends TCA 57-9-201.

Rep. Ritchie moved that House Bill No. 1888 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1888 by deleting the amendatory language of Section 1 in its entirety, and by substituting instead the following language:

This subsection shall not apply to private wine collections owned by an individual and housed in private, single family dwellings.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1888 by deleting in its entirety the amendatory language of Section 1, and by substituting instead the following:

This section shall not apply to those parts of private wine collections owned by an individual, or spouse of such individual as tenants by the entirety, which are housed in such individual's or spouse's private, single family dwelling and which consist of commercially purchased, bottled wine which has been obtained outside the United States and checked, declared and approved through United States Customs or which has been obtained within the United States, provided applicable taxes to such wine have been paid in another state.

On motion, Amendment No. 2 was adopted.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Ritchie moved that House Bill No. 1888, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	74
Noes.	16
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Davidson, DeBerry, Dixon, Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Hassell, Haun, Head, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, Meyer, Miller, Mires, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Wix, Wood -- 74.

Representatives voting no were: Bell, Byrd, Cross, Fisher, Halteman Harwell, Herron, Jackson, McKee, Moore, Pinion, Ridgeway, Stamps, Walley, West, Windle, Winningham -- 16.

Representatives present and not voting were: Owenby -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on House Bill No. 1888 and have this statement entered in the Journal: Rep(s). Johnson, Bragg, Purcell and Head.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 1357 -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506.

Rep. Head moved that Senate Bill No. 1357 be reset two weeks to the Calendar for March 9, 1994, which motion prevailed.

***House Bill No. 1899** -- Taxes, Ad Valorem -- Permits exemption of real and personal property from ad valorem taxation. Amends TCA, Title 67, Ch. 5.

Rep. Ritchie moved that House Bill No. 1899 be reset two weeks to the Calendar for March 9, 1994, which motion prevailed.

House Bill No. 1802 -- Highways, Roads and Bridges -- Prohibits new outdoor advertising along I-181 outside of incorporated municipalities. Amends TCA, Title 54, Ch. 21.

On motion, House Bill No. 1802 was made to conform with **Senate Bill No. 1867**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that **Senate Bill No. 1867** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey,

Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Meyer -- 1.

A motion to reconsider was tabled.

House Bill No. 2250 -- Charitable Solicitations -- Brings professional fund raising counsel under scope of special purpose corporations and associations. Amends TCA, Title 48, Ch. 3, Pt. 5.

Rep. Kisber moved that House Bill No. 2250 be passed on third and final consideration.

Rep. Byrd moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill 2250 by inserting in Section 28 in subdivision (1) in the first sentence between the word "written" and "or" the word "agreement".

AND FURTHER AMEND by deleting from Section 30 in subdivision (m)(2) the word "or".

AND FURTHER AMEND by deleting from Section 33 from the second paragraph of subdivision (a)(1) the language "and/or" and substituting instead the language "and/or".

AND FURTHER AMEND by deleting from Section 37 from the first sentence of subdivision (b)(1) the language "and/or" and substituting instead the language "and/or".

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 2250**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight,

Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2251 -- Real Estate Agents and Brokers -- Revises criteria for certification as a real estate appraiser; authorizes real estate commission to collect \$25.00 for changing business address of appraisers; authorizes appraisers to use initials to designate their status. Amends TCA, Title 62, Ch. 39.

Rep. Kisber moved that House Bill No. 2251 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2251 by adding as a new Section 9 the following and by renumbering existing Section 9 accordingly:

Section 9. Tennessee Code Annotated, Section 62-39-104(d)(1), is amended by 1. inserting the words "or to any evaluation of the value of the assets of a trust held by such institution" between the words "financial institution" and "; provided"; 2. by inserting in item (A) the words "or trust" between the words "such loan" and the "semicolon (;)"; and 3. by deleting in item (B) the word "lender" and by substituting instead the words "financial institutions"; and 4. by inserting in item (B) the words "or asset" between the words "collateral" and "value".

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 2251**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher,

Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Cross, Hargrove -- 2.

A motion to reconsider was tabled.

***House Bill No. 1803 -- Safety -- Exempts small model, agricultural or vehicle boilers from inspection when used only for exhibition, hobby, educational or historical purposes. Amends TCA, Title 68, Ch. 122.**

Rep. Davidson moved that House Bill No. 1803 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1803 by deleting Section 1 of the printed bill and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 68-122-104, is amended by adding a new subsection (c), as follows:

(c)(1) The provision of this part shall apply to "Historic Power Boilers". "Historic power boilers" are defined as any steam traction engine, portable, or stationary, standard or non-standard power boiler, including free-lance and scale models, owned by publicly operated museums, non-profit organizations and individuals who preserve, maintain, exhibit and only occasionally operate these boilers on a not-for-profit basis and for the primary purpose of perpetuating the agricultural and pioneer heritage of Tennessee.

(2) Such boilers shall conform to the rules and regulations adopted by the board of boiler rules.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Bill No. 1803**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	1
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Phillips -- 1.

Representatives present and not voting were: Bell, Winningham -- 2.

A motion to reconsider was tabled.

***House Bill No. 1804 -- Motor Vehicles -- Adds trucks to category of vehicles permitted to draw trailers. Amends TCA 55-4-111.**

Rep. Davidson moved that **House Bill No. 1804** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams

(Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Joint Resolution No. 0454 -- Memorials, Heroism -- Terry McGuire.

Further consideration of House Joint Resolution No. 454, previously considered on February 17, 1994, at which time it was objected to on the Consent Calendar and reset to the Calendar for February 23, 1994.

Rep. Fisher moved that House Joint Resolution No. 454 be reset to the Calendar for March 24, 1994, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

House Joint Resolution No. 0464 -- Memorials, Sports -- Sterling Marlin, Daytona 500.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Moore, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Collier moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 467 out of order, which motion prevailed.

***House Joint Resolution No. 0467 -- Naming and Designating -- William J. Peeler, McEwen Industrial Park.** by *Collier.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Collier, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Knight moved that the rules be suspended for the purpose of introducing House Resolution No. 134 out of order, which motion prevailed.

House Resolution No. 0134 -- Memorials, Heroism -- 555th Parachute Infantry Battalion and 555th Parachute Infantry Association, Inc. by *Knight, *Head.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Knight, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

February 23, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 328; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0328 -- Memorials, Personal Occasion -- Maxine Christenberry Preas, eightieth birthday. by *Crowe.

RULES SUSPENDED

Rep. Cole (Carter) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 328 out of order, which motion prevailed.

Senate Joint Resolution No. 0328 -- Memorials, Personal Occasion -- Maxine Christenberry Preas, eightieth birthday. by *Crowe.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Cole (Carter), the resolution was concurred in.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Buck, **House Bill No. 2835** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. McAfee, **House Bill No. 1553** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Wood, **House Bill No. 302** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Wood, **House Bill No. 624** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Phelan, **House Bill No. 2637** was recalled from the Education Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 397: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 411: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 801: Rep(s). Haley as prime sponsor(s).

House Bill No. 952: Rep(s). Coffey and Haley as prime sponsor(s).

House Bill No. 1206: Rep(s). Cross as prime sponsor(s).

House Bill No. 1683: Rep(s). Hargrove and Phelan as prime sponsor(s).

House Bill No. 1803: Rep(s). Rigsby as prime sponsor(s).

House Bill No. 1856: Rep(s). Pinion and Cross as prime sponsor(s).

House Bill No. 2101: Rep(s). Liles as prime sponsor(s).

House Bill No. 2183: Rep(s). Head as prime sponsor(s).

House Bill No. 2230: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 2238: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 2241: Rep(s). Givens as prime sponsor(s).

House Bill No. 2339: Rep(s). Haley and Pruitt as prime sponsor(s).

House Bill No. 2350: Rep(s). Liles as prime sponsor(s).

House Bill No. 2542: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 2642: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 2677: Rep(s). Givens as prime sponsor(s).

House Bills Nos. 2759, 2526, 2527, 2528, 2530, 2533, 2536, 2538, 2543, 2544 and 2545: Rep(s). Kent as prime sponsor(s).

House Joint Resolution No. 455: Rep(s). Jackson as prime sponsor(s).

House Joint Resolution No. 465: Rep(s). Moore as prime sponsor(s).

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following members desire to change their original stand from aye to no on House Joint Resolution No. 456 (voted on 2/17/94) and have this statement entered in the Journal: Rep(s). McAfee, Bittle, Fisher and Westmoreland.

MESSAGE FROM THE GOVERNOR

February 23, 1994

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1305; also, House Joint Resolution(s) No(s). 307, 362, 438, 439 and 449; with his approval.

DIANNE F. NEAL, Counsel to the Governor.

ENGROSSED BILLS

February 23, 1994

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2837.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
February 23, 1994

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1866.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
February 23, 1994

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1712, 1735, 2349, 2646, 2663 and 2836; also, House Joint Resolution(s) No(s). 457.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 23, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 440, 2489 and 2837; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS
February 23, 1994

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2837.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
February 23, 1994

The Speaker signed the following: House Bill(s) No(s). 2837.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 23, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2837; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

WEDNESDAY, FEBRUARY 23, 1994 -- SIXTY-SIXTH LEGISLATIVE DAY

**REPORT OF CHIEF ENGROSSING CLERK
February 23, 1994**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2837.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS
February 23, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 464 and 467.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
February 1994**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2837, with his approval.

DIANNE F. NEAL, Counsel to the Governor.

**MESSAGE FROM THE SENATE
February 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 467; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
February 23, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1710, 1796, 1803, 1804, 1888, 1977, 2212, 2250, 2251, 2664, 2713, 2838 and 2839.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 23, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2001, 2141, 2506, 2535, 2615, 2644, 2725, 2745 and 2789; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
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***Senate Bill No. 2001** -- Criminal Procedure -- Deletes specific list of crimes for assessing \$75.00 criminal prosecution fee regardless of amount alleged to be stolen; incorporates by reference offenses against property in TCA Title 39, Chapter 14. Amends TCA 40-3-204. by *Springer.

***Senate Bill No. 2141** -- Planning, Public -- Restricts location of building on lots without road frontage to easement which meets planning commission specifications. Amends TCA 13-3-411. by *Rochelle.

***Senate Bill No. 2506** -- Custody and Support -- Reduces minimum age of children whose custody preference may be considered by courts in determining care, custody and control from 14 to 12 years of age. Amends TCA 36-6-102. by *Cooper.

Senate Bill No. 2535 -- Highway Signs -- "T/Sgt. Lloyd Odell Hixson Memorial Highway," segment of new Corridor J Highway, Sequatchie County. by *Elsea.

***Senate Bill No. 2615** -- Highway Signs -- "Veterans Memorial Parkway," U.S. Highway 64 Bypass, Pulaski. by *Jordan.

***Senate Bill No. 2644** -- Highway Signs -- "James A. 'Jimie' Peeler, Jr. Memorial Highway," segment of S.R. 59, Tipton County. by *Wilder, *Henry, *McKnight.

***Senate Bill No. 2725** -- Custody and Support -- Permits alimony in futuro to end upon remarriage. Amends TCA 36-5-101. by *Haynes.

Senate Bill No. 2745 -- Highway Signs -- "James K. Polk Highway," segment of U.S. Highway 412 and S.R. 99. by *Wilder.

Senate Bill No. 2789 -- Highway Signs -- "Oak Ridge National Laboratory," I-40 at Highways 58 and 95. by *McNally, *O'Brien.

MESSAGE FROM THE SENATE
February 23, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1760, 1800, 1855 and 1975; also, Senate Joint Resolution(s) No(s). 305, 307, 308, 309 and 328; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
February 23, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2357, 2385, 2416, 2445 and 2462; also, House Joint Resolution(s) No(s). 236, 440, 441 and 442; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
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CONSENT CALENDAR
February 23, 1994

The following local bills have been placed on the Consent Calendar for Monday February 28, 1994: House Bill(s) No(s). 2852 and 2840.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, February 24, 1994.